

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR POLK COUNTY, FLORIDA

AGENCY#: SAO10 SAO 2013-012
OBTS#:
BOOKING#:
CASE #: **CF13-004499**

ARREST WARRANT

IN THE NAME OF THE STATE OF FLORIDA:

TO: All and singular, the sheriff's of Florida and other authorized officers.

WHEREAS the Court has found probable cause from the sworn complaint affidavit or other testimony under oath to believe that the person named below committed:

CHARGE(S): 1) GRAND THEFT (\$100,000 OR MORE) FSS: 812.014(2)a/F1
2) CRIMINAL USE OF PERSONAL IDENTIFICATION (\$5000 OR MORE) FSS: 817.568(2)b/F2
3) FORGERY (CHECK) FSS: 831.01/F3
4) UTTERING A FORGERY (CREDIT CARD) FSS: 831.02/F3
5) MONEY LAUNDERING(\$100,000 OR MORE) FSS: 896.101/F1
6) THEFT OF A TRADE SECRET FSS: 812.081(2)/F3

YOU ARE HEREBY COMMANDED to arrest, instantler, the person named below for the crime(s) named above to be brought before the Court and dealt with according to the law.

Defendant: STEPHEN DANIEL SWAFFORD

Address: 6217 ALAMANDA HILLS BLVD LAKELAND, FL 33813

Race/Sex: WM

DOB: 01/17/1974 Height 5'09 Weight 190

Hair BRN Eyes BRN

Driver License # [REDACTED] SS# [REDACTED]

Place of Birth FLORIDA

Scars UNK

Complexion FAIR

Alias UNK

Marital Status UNK

Occupation CONSTRUCTION

Employer SELF-EMPLOYED

Bail is set at: 1. \$50,000.00
2. \$5,000.00
3. \$1,000.00
4. \$1,000.00
5. \$50,000.00
6. \$1,000.00

, returned on demand

GIVEN UNDER MY HAND AND SEAL THIS 30th DAY OF May, 2013.

W. B. Smith
CIRCUIT JUDGE

RETURN

Received this warrant on the _____ day _____, 2013, and executed same on the _____ day of _____, 2013 by arresting the above-named defendant.

Sheriff

By: _____



By: Stacy M. Butterfield
CLERK CIRCUIT COURT
D.C.

**IN THE CIRCUIT /COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ARRESTING AGENCY/REPORT # SAO 2013-012

DATE/TIME OF ARREST: 5/30/2013

ARRESTING OFFICER: Investigator Stephen R. Menge, MBA, CFE

PLACE OF ARREST:

PROSECUTION APPROVED: 

 NOTICE TO APPEAR X **COMPLAINT AFFIDAVIT** **ARREST REPORT**

The undersigned affiant swears that he has just and reasonable grounds to believe that between January 2011 and March 2012 at the location of 5412 Strickland Ave., Lakeland, POLK County, Florida

Name (Last,First, MI): Swafford, Stephen Daniel

Address: 6217 Alamanda Hills Blvd. Lakeland, FL 33813 **Telephone:** 863-868-6938

R/S: W/M **Ht.** 5'09 **Wt.** **Hair:** Bro **Eyes:** Bro **DOB:** 01/17/1974 **POB:** Florida

Soc. Sec#:  **Driver's License #:**  **Marital Status:**

Scars:

Complexion: Fair

Occupation: Construction

Employer: Self

Committed the Offenses of:

1. Grand Theft Over \$100K	FSS: 812.014(2)a	Level/Degree: F1
2. Criminal Use of Personal ID	FSS: 817.568(2)b	Level/Degree: F2
3. Forgery	FSS: 831.01	Level/Degree: F3
4. Uttering Forged Instruments	FSS: 831.02	Level/Degree: F3
5. FL Money Laundering Act	FSS: 896.101	Level/Degree: F1
6. Theft of Trade Secrets	FSS: 812.081(2)	Level/Degree: F3

Probable Cause:

*** SEE ATTACHED AFFIDAVIT***

Victim/Witness	Address	Phone
1. SE Const Svcs LLC	5412 Strickland Ave Lakeland, FL	
2. Michael J Moore	2880 Hickory Ridge Dr. Lakeland, FL	863-661-7523
3. Stephen Cowperthwaite	4025 S. Pipkin Rd Lakeland, FL	863-680-2293
4. Corey Miller	502 N. Massachusetts Ave. Lakeland, FL	863-688-3060
5. Leonard Wilt	639 MidFlorida Dr. Lakeland, FL	863-644-5362
6. Miguel Ibarra	639 MidFlorida Dr. Lakeland, FL	863-644-5362
7. Michael Strickland	1441 E. Gary Rd Lakeland, FL	863-683-8048
8. Angele F. Davies	PO Box 17468 Clearwater, FL 33762	727-538-9000

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AFFIDAVIT CONTINUATION

While employed as the vice president of operations for Southeast Construction Services, LLC; Stephen Swafford did engage in activities which would constitute the theft of a Polk County business. These activities include the diversion of company receivables valued in excess of \$100,000.00 to his own personal business account; the criminal use of personal information of the company's owner to establish a line of credit, the deposit of monies he knew or should have known were proceeds of an unlawful act, and the theft of the companies client base to establish his own company.

Background

On March 3rd, 2006 Certified General Contractor Michael Moore established his construction company under the name of Southeast Construction Services, LLC. Over several years, Moore established a customer base of local contractors for which his company provided framing, carpentry, and masonry services.

In 2009, Moore had a project manager supervising a job in Georgia who had abruptly quit and had taken another job. Moore moved to Georgia to personally supervise the completion of that project and worked to expand his operations into the Georgia construction market. In his absence, Moore employed Stephen Swafford to act as his company's Vice President of operations who would oversee estimating jobs, handle accounts receivable, accounts payable, and manage staff. Under Swafford's watch, the company operated without incident from 2009 to 2011.

On March 4th, 2011 Swafford called Moore and advised that the company had run out of contracts and there was no money left in the account. Swafford advised Moore that he was quitting and taking another job. Initially Moore believed Swafford, in that the construction industry had slowed and it was possible his company failed to obtain further construction jobs to keep his company in business.

In December 2011, Moore was able to return to Florida to clean out his business office. Upon review of his company records, Moore found discrepancies with the information he had received from Swafford back in March. Evidence that his company continued to operate throughout 2011 surfaced with the discovery of signed contracts, company invoices, and the diversion of receivables to an unknown Wachovia Bank account.

Upon conducting multiple interviews, obtaining certified business and financial records, and the forensic examination of those financial records; this investigator confirmed multiple criminal violations.

Contrary to Swafford's statement, evidence shows Swafford had covertly continued to run Moore's business while diverting company receivables to another account. On 2/24/11, Swafford opened a Wachovia Bank account in the same company name "*Southeast Construction Services*" which was used to facilitate the diversion of funds. Over the course of 2011, Swafford ultimately diverted customers and revenues to Swafford's newly formed company Southeast Construction Services of America, Inc.

MarcoBay Construction

MarcoBay Construction was an established customer of Southeast Construction Services, LLC since 2007. Certified records and a sworn statement were obtained from MarcoBay Vice President Stephen Cowperthwaite. Contracts obtained from MarcoBay Construction identified MarcoBay engaged in business with Southeast Construction Services, LLC throughout 2011 and showed Stephen Swafford signed contracts as VP of operations for Southeast Construction Services, LLC.

Invoices from Southeast Construction Services, LLC were issued to MarcoBay upon completion of that work which MarcoBay subsequently paid. Checks from MarcoBay Construction were identified as having been deposited into Swafford's Wachovia Bank account. Certified financial records from Wachovia Bank confirmed those deposits.

MarcoBay identified payments issued to Southeast Construction Services, LLC for work performed in 2011 totaled **\$289,988.15**.

Miller Construction Management, Inc.

Miller Construction Management was an established customer of Southeast Construction Services, LLC since 2006. Certified records and a sworn statement were obtained from Corey Miller who is the owner of Miller Construction Management. Subcontract agreements were provided by Miller that identified Miller Construction engaged in business with Southeast Construction Services, LLC in May and June of 2011. The agreements were signed by Stephen Swafford (VP of operations). Additional records obtained from Miller identified one bid contract with the Moore's company name "Southeast Construction Services, LLC" which was dated May 17, 2011.

Miller Construction issued multiple checks to Southeast Construction Services, LLC for work performed in May and June of 2011. Total checks issued to Southeast Construction Services, LLC totaled **\$35,363.00**. These payments were identified as having been deposited into Swafford's Wachovia Bank account.

Waller Construction

Waller Construction was an established customer of Southeast Construction Services, LLC since 2006. Certified records obtained from Waller Construction identified one bid contract from Southeast Construction Services, LLC dated 3/1/11 and signed by Stephen Swafford confirming the project. Several invoices from Southeast Construction Services, LLC were issued to Waller Construction during 2011.

Waller provided copies of five checks issued to Southeast Construction Services, LLC totaling **\$23,235.00**. Waller further provided a tax form 1099MISC for the years 2011 and 2012 in the tax identification number for Michael Moore. None of the payments from Waller Construction were identified as having been deposited into Moore's business account.

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Winter Park Construction

In 2010, Winter Park Construction had engaged the services of Southeast Construction Services, LLC for two projects. Certified records were obtained from Winter Park Construction and revealed contracts signed by Stephen Swafford as the VP of operations for Southeast Construction Services, LLC. These projects were completed by mid-2011.

Winter Park Construction provided copies of two retainage checks issued on 7/14/11 to Southeast Construction Services, LLC when the projects were completed. Checks totaling **\$74,984.10** were not deposited into Southeast Construction Services LLC account.

Strickland Construction, Inc.

Strickland Construction was an established customer of Southeast Construction Services, LLC since 2009. Certified records and a sworn statement were obtained from the owner of Strickland Construction. Strickland provided one contract signed by Stephen Swafford as VP of Operations for Southeast Construction Services dated 4/11/11. Southeast Construction was further used on various smaller jobs where no contracts were signed; however, payments were issued to Southeast Construction Services, LLC.

Copies of checks issued from Strickland Construction were identified as having been issued to Southeast Construction Services, LLC. Two checks were identified as having been deposited into Southeast Construction Services, LLC Magnify Bank account. However, the remainder of the checks issued in 2011 were not. Checks totaling **\$25,216.78** were not deposited into the company account. At least one check was identified as having been deposited into Swafford's Wachovia Bank account.

Tapia Construction

Tapia Construction was an established customer of Southeast Construction Services, LLC since 2006. Records and sworn statements were obtained from management with Tapia Construction which revealed Southeast Construction Services, LLC completed work on projects in 2011. Company records revealed multiple invoices from Southeast Construction Services, LLC to Tapia for work completed on projects. Project manager Leonard Wilt stated he was aware Mike Moore was the owner of Southeast Construction Services, LLC and believed Swafford was the project manager for Southeast Construction Services.

Copies of checks were obtained and were issued from Tapia Construction to Southeast Construction Services, LLC. Checks totaling **\$36,970.34** were not deposited into the company account; rather multiple checks were identified as having been deposited into Swafford's Wachovia Bank account.

ProBuild Company LLC.

Upon auditing his company, Moore discovered a commercial credit line had been opened in his and his company's name.

Certified records and a sworn taped statement were obtained from Angele Davies who was the credit manager for ProBuild at the time the account was established. Davies provided the original commercial credit application which contained the personal information of Michael Moore and his company's contractor license and Employer Identification Number (EIN). Included in the original documents was a credit agreement signed by Stephen Swafford as VP of operations and a personal guaranty signed by Stephen Swafford. Both were dated 9/14/09.

According to Davies, ProBuild acknowledged Swafford's signed credit request and personal guarantee; however, they required the signed personal agreement from the owner of Southeast Construction Services, LLC before a credit line was granted. On or about 10/16/09, Davies advised their office received the signed personal guaranty in the name of Mike Moore which established a credit line. Davies stated the primary contact person on this account was Stephen Swafford and provided a company data log of all activity and invoices for product sold to Southeast Construction Services, LLC from 2009 to 2012.

Moore viewed and identified the signature on the personal guaranty as a forgery of his signature. Moore stated he did not know nor did he authorize his personal information to be used to open a ProBuild line of credit. Moore was in Georgia at the time the document was dated and submitted to ProBuild.

As a result of evidence consisting of both certified records and interviews with various business owners, probable cause exists to support criminal charges.

Count #1 Grand Theft (FSS 812.014(2)a)

While acting as Vice President of Operations for Southeast Construction Services, LLC; Stephen Swafford did knowingly obtain property belonging to Southeast Construction Services, LLC with the intent to either temporarily or permanently deprive Southeast Construction Services, LLC use of those funds. The value of those funds obtained is **\$485,757.37**.

Funds diverted from Southeast Construction Services, LLC	
Customer	Funds not turned over
MarcoBay Construction	\$ 289,988.15
Miller Construction	\$ 35,363.00
Waller Construction	\$ 23,235.00
Winter Park Construction	\$ 74,984.10
Strickland Construction	\$ 25,216.78
Tapia Construction	\$ 36,970.34
Total	\$ 485,757.37

Count #2 Criminal Use of Personal Information (FSS 817.568)

Stephen Swafford did willfully and without authorization did fraudulently use the personal identification information of Michael Moore, with the intent to fraudulently use Michael Moore's information for the purpose of obtaining a credit line from ProBuild Company. Swafford did so without first obtaining Moore's consent. Invoices obtained from ProBuild indicate the pecuniary benefit of product purchased through this credit line was in excess of 5,000.00.

Count #3 Forgery (FSS 831.01)

Stephen Swafford did forge a promissory note with the intent to defraud Michael Moore and ProBuild Company.

Count #4 Uttering Forged Instruments (FSS 831.02)

Stephen Swafford did utter a Commercial Credit Application and forged Personal Guaranty to ProBuild Company as a true document. Swafford did so, knowing that the document was a forged document, with the intent to defraud and for the purposes of obtaining a credit line from ProBuild.

Count #5 Violation of the Florida Money Laundering Act (FSS 896.101)

Stephen Swafford did knowingly make multiple financial transactions involving the receivables obtained from customers of Southeast Construction Services, LLC. Swafford knew that the property involved in these transactions represented proceeds of his unlawful activity (theft). Swafford, who served as the Vice President of Operations, obtained multiple checks from the customers of Southeast Construction Services, LLC and deposited these checks into a personal business account with Wachovia Bank. The Wachovia Bank account was in the name of "Southeast Construction Services" and bore only Swafford's name on the signature card. Swafford did so with the intent to conceal or disguise the location, the source, and the ownership of the proceeds derived from the theft. Over the course of a 12 month period, Swafford did make financial transactions which exceeded \$100,000.00.

Count #6 Theft of Trade Secrets (FSS 812.081)

With the intent to appropriate a trade secret and deprive the owner of Southeast Construction Services LLC, Stephen Swafford did appropriate the list of customers used by Southeast Construction Services, LLC. Those customers were identified in count #1 of this affidavit.

Investigating Agcy/Officer: Office of the State Attorney, Investigator Stephen R. Menge

Sworn to and Subscribed before me,
The undersigned authority, this
30 day of May, 2013



Law Enforcement Officer



AFFIANT

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